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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/869,534

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Christopher Atkinson

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20457

7590

05/07/2004

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EXAMINER

PEREZ, ANGELICA

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,534

Applicant(s)

ATKINSON ET AL.

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17-19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 13-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsunoda (Tsunoda et al.; US Patent No.: 5,337,073 A).

Regarding claims 1, 14, 15, 16 and 20, Tsunoda a portable device, method, display module and display (column 1, lines 9-14; figure 6) comprising: a display (column 1, line 10; figure 6, item 24); a light detector for detecting the light incident on at least part of the display (column 1, lines 46-51; figure 6, item 82) a comparator for comparing the light detected with a given threshold (column 7, lines 22-30); and control means a controller controlling an illuminator of illuminating the display in dependence upon the output of the comparator (column 8, lines 6-21; figure 6, item 80), where the light detector is positioned to receive a light level that represents the total light

contributing to display illumination which is the sum of the light received from the illuminator and the light incident on the display (column 7, lines 25-30, e.g., circuit 82 and EL lamp 26 corresponding to light incident to the display and light from the illuminator).

Regarding claim 2, Tsunoda teaches all the limitations of claim 1. In addition, Tsunoda teaches where the light detector is located behind the display, remote from the surface of the display onto which the ambient light is incident (column 1, lines 47-51, where the function of sensing the incident light is fulfilled and the condition of positioning the light detector behind the display corresponds to a designer's choice).

Regarding claim 3, Tsunoda teaches all the limitations of claim 1. Tsunoda further teaches where the controller disables the illuminator in response to an indication by the comparator that the light detected exceeds a first threshold (columns 7 and 8; lines 36-41 and 6-9, respectively).

Regarding claim 4, Tsunoda teaches all the limitations of claim 1. Tsunoda further teaches where the controller enables the illuminator in response to an indication by the comparator that the light detected is less than a second threshold (columns 7 and 8; lines 41-47 and 9-15, respectively).

Regarding claim 5, Tsunoda teaches all the limitations of claim 3. Tsunoda further teaches where the controller enables the illuminator in response to an indication by the comparator that the light detected is less than a second threshold (columns 7 and 8; lines 41-47 and 9-15, respectively).

Regarding claim 13, Tsunoda teaches all the limitations of claim 1. Tsunoda also teaches of a portable communications device such as a radiotelephone (column 1, lines 46-51, where "portable radio equipment" includes "radiotelephones").

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda in view of Suzuki (Suzuki, Takaharu; US Patent No.: 6,078,302 A).

Regarding claim 6, Tsunoda teaches all the limitations of claim 5.

Tsunoda does not teach where the controller partially enables the illuminator in response to an indication by the comparator that the light detected is between the first and second thresholds.

In related art concerning screen brightness control, Suzuki teaches where the controller partially enables the illuminator in response to an indication by the comparator that the light detected is between the first and second thresholds (columns 1 and 2, lines 65-67 and 1-11, respectively; where brightness is adjusted as needed with a partial luminescence).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tsunoda's enablement/ disablement of the illuminator

with Suzuki's partial enablement of the illuminator in order to provide a display with optimal brightness.

Regarding claim 7, Tsunoda teaches all the limitations of claim 1. Suzuki further teaches of means for determining a change in output of the light detector over a predetermined period, where the control means is arranged to disable functionality relating to the display in response to an indication that no change is determined (column 3, lines 3-7; where after an optimal brightness is detected, the detector will detect no change).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda in view of Zuzuki in further view of Bauer (Bauer, Harald; US Publication: 2001/0024967 A1).

Regarding claim 8, Tsunoda in view of Suzuki teaches all the limitations of claim 7.

Tsunoda and Suzuki do not teach where the controller is arranged to disable the display in response to an indication that no change is determined.

In related art concerning an energy-saving circuit based control display device, Bauer teaches where the controller is arranged to disable the display in response to an indication that no change is determined (paragraph 0014; where disablement/enablement are performed).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tsunoda's and Suzuki's power-saving portable device

with Bauer's controller arrangement to disable the display in order to save power when no change is detected.

Regarding claim 9, Tsunoda in view of Suzuki teaches all the limitations of claim 7. Bauer further teaches where the controller is arranged to disable the illuminator in response to an indication that no change is determined (paragraph 0014).

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda in view of Bauer.

Regarding claims 10, Tsunoda teaches all the limitations of claim 1.

Tsunoda does not teach where the display comprises input means responsive to a user.

In related art concerning an energy-saving circuit based control display device, Bauer teaches where the display comprises input means responsive to a user (paragraph 0006, lines 15-17; e.g., "by touching the terminal").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Tsunoda's power-saving portable device with Bauer's display comprising input means responsive to a user as another means to activate/deactivate the display.

Regarding claim 11, Tsunoda and Bauer teach all the limitations of claim 10. Bauer further teaches where the controller controls the functionality relating to the display on the basis of settings input by the user via the input means (paragraph 0014).

Regarding claim 12, Tsunoda and Bauer teach all the limitations of claim 10.


Bauer further teaches where the input means comprises touch means, such as a key and/or display region (paragraph 0006).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


Angelica Perez
(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Art Unit 2684

April 23, 2004